

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

Michael Kontur,

Case No. 3:13CV1478

Plaintiff

v.

ORDER

Carolyn Colvin,
Acting Commissioner of Social Security,

Defendant

This is a Social Security case in which the Commissioner denied plaintiff Michael Kontur's application for disability insurance benefits.

Pending is the Magistrate Judge's Report and Recommendation (R&R), which concluded that the administrative law judge (ALJ): 1) misapplied the treating-physician rule; and 2) must reassess plaintiff's credibility on remand. (Doc. 16).

The Commissioner responded to the R&R, stating she will not be filing an objection.

Having reviewed the R&R, I concur with the Magistrate Judge's determination that the ALJ gave inadequate reasons for disregarding the opinion of plaintiff's treating physician. I also agree the ALJ should reconsider whether plaintiff's testimony about his debilitating pain was credible.

It is, therefore, ORDERED THAT:

1. The Magistrate Judge's R&R (Doc. 16) be, and the same hereby is adopted as the order of this Court; and

2. This case is remanded to the Social Security Administration for further proceedings consistent with this order.

So ordered.

/s/ James G. Carr
Sr. U.S. District Judge